

1 **WO**

2  
3  
4  
5  
6 **IN THE UNITED STATES DISTRICT COURT**  
7 **FOR THE DISTRICT OF ARIZONA**  
8

9 Tikisha Bledsoe,

10 Plaintiff,

11 v.

12 HonorHealth,

13 Defendant.  
14

No. CV-19-05030-PHX-JJT

**ORDER**

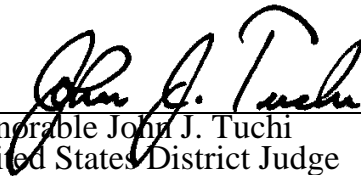
15 At issue is the parties' Joint Motion for Entry of Stipulated Protective Order (Doc.  
16 17). One provision of the parties' proposed protective order is not permitted by law. In  
17 paragraph 16, the parties state that they "stipulate that . . . Confidential Material shall be  
18 filed under seal without the need to take further steps to obtain a subsequent order from the  
19 Court permitting such document(s) to be filed under seal." But the Ninth Circuit has stated  
20 that because the public has the right to access information related to lawsuits in federal  
21 court, parties must generally file all documents without redaction and without sealing them.  
22 *Ctr. for Auto Safety v. Chrysler Grp., LLC*, 809 F.3d 1092, 1101 (9th Cir. 2016). Any  
23 restriction to the public's access to information may be done only with leave of Court  
24 except to the extent the Federal Rules of Civil Procedure provide otherwise. (*See* Rule 5.2.)  
25 In other words, the parties may not simply stipulate around the public's right to access  
26 information.

27 Accordingly, any protective order entered by the Court must include the following  
28 language:

1 Nothing in this protective order shall be construed as  
2 automatically permitting a party to file under seal. Before any  
3 party files any document under seal, such party shall seek leave  
4 of Court and shall show “compelling reasons” (where the  
5 motion is more than tangentially related to the merits of the  
6 case) or “good cause” for filing under seal. *See Ctr. for Auto*  
7 *Safety v. Chrysler Grp., LLC*, 809 F.3d 1092, 1101 (9th Cir.  
8 2016). Additionally, such party seeking to file under seal shall,  
9 within the applicable deadline, file a redacted, unsealed version  
10 of any motion, response or reply if such party is waiting for a  
11 ruling from the Court on filing an unredacted, sealed version  
12 of the same document.<sup>1</sup> Further, no portion of the trial of the  
13 matter shall be conducted under seal.

14 IT IS THEREFORE ORDERED denying the parties’ Joint Motion for Entry of  
15 Stipulated Protective Order (Doc. 17). Any protective order entered by the Court must  
16 include the language provided in this Order.

17 Dated this 6th day of November, 2019.

18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
  
Honorable John J. Tuchi  
United States District Judge

---

<sup>1</sup> If a party wants to use the opposing party’s confidential designations to support or oppose a motion, the opposing party bears the burden to make the “compelling reasons” showing. In the event the party wishing to use the confidential information anticipates this scenario arising, the party shall initiate a discovery dispute conference call consistent with the terms of the Court’s Rule 16 Scheduling Order at least two weeks before the due date of the filing in which they wish to reference the information.